

**ASSEMBLY BILL**

**No. 955**

**Introduced by Assembly Member Coto**

February 18, 2005

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An act to add Chapter 33 (commencing with Section 7599) to Division 7 of Title 1 of the Government Code, relating to communications.

LEGISLATIVE COUNSEL'S DIGEST

AB 955, as introduced, Coto. Communications: Advanced Communications Act.

The existing federal Telecommunications Act of 1996 preempts any state or local statute or regulation that may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service, but does not prohibit a state from imposing on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. The prohibition also contains a “safe harbor” that does not affect the authority of a state or local government to manage the public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for the use of public rights-of-way.

Under existing law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service (cellular), broadband Personal Communications Services (PCS), digital Specialized Mobile Radio (SMR) services (collectively, mobile telephony service providers), providers of mobile data access to

handheld devices and laptop computers, and paging carriers offering services on pagers and two-way messaging devices (collectively, mobile data services). Under existing law, no state or local government may regulate the entry of, or the rates charged by, any commercial mobile radio service, but a state or local government is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service.

This bill would enact the Advanced Communications Act and declare the intent of the Legislature to establish policies to promote the accelerated deployment of next-generation advanced communications networks in California, irrespective of the technological platform used to deploy those services, whether through mobile telephony services, mobile data services, the Internet, cable television, satellite, or telecommunications networks.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 33 (commencing with Section 7599) is  
2 added to Division 7 of Title 1 of the Government Code, to read:

3  
4 CHAPTER 33. ADVANCED COMMUNICATIONS ACT  
5

6 7599. This chapter shall be known and may be cited as the  
7 “Advanced Communications Act.”

8 7599.1. It is the intent of the Legislature, in subsequent  
9 legislation, to establish policies to promote the accelerated  
10 deployment of next-generation advanced communications  
11 networks in California, irrespective of the technological platform  
12 used to deploy those services, whether through mobile telephony  
13 services, mobile data services, the Internet, cable television,  
14 satellite, or telecommunications networks.